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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT F. ALMEIDA and ROBERT
F. ALMEIDA as the assignee of JASON
JOSEPH,

Plaintiffs,

-v-

THE UNITED STATES DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT, and THE HON.
STEVEN PRESTON,* as Secretary
of the United States Department of
Housing and Urban Development,

Defendants.

NOTICE OF MOTION

08 Civ. 04582 (SCR)

ECF Case

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, and the Declaration of William H. Melvin and accompanying exhibits, Defendants the United States Department of Housing and Urban Development ("HUD") and Steven Preston, Secretary of HUD, by their attorney Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the

* Pursuant to Federal Rule of Civil Procedure 25(d), the Honorable Steven Preston is automatically substituted for the Honorable Alphonso Jackson as the Secretary of Housing and Urban Development.

Honorable Stephen C. Robinson, United States District Judge, United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, at a date and time as the Court may direct, for an order dismissing the complaint for lack of subject matter jurisdiction pursuant Federal Rule of Civil Procedure 12(b)(1).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) and Federal Rule of Civil Procedure 6(e), plaintiff's answering papers, if any, must be served upon the United States Attorney's Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, on such date as the Court may direct.

Dated: August 15, 2008

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